

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JERMAINE CORTEZ MCDANIELS,

Petitioner,

v.

HERBERT L. BERNSEN,

Respondent.

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No. 4:18-cv-1777-JCH

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On October 17, 2018, petitioner Jermaine Cortez McDaniels filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. However, he neither paid the filing fee nor filed a motion for leave to proceed *in forma pauperis*. On October 22, 2018, this Court entered an order directing him to do one or the other. Petitioner's response was due to the Court on November 21, 2018.

To date, petitioner has neither responded to the Court's order, nor sought additional time to do so. Petitioner was given meaningful notice of what was expected, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to petitioner's failure to comply with the Court's October 22, 2018 order. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 3rd day of December, 2018.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE